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List of issues in relation to the initial report of Slovakia

Addendum

Replies of Slovakia to the list of issues*

[Date received: 27 November 2015]

* The present document is being issued without formal editing.

Please recycle

A. Purpose and general obligations (Arts. 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/SVK/Q/1)

1. The Slovak government approved the Strategy of the Slovak Republic for Integration of Roma up to 2020[1], responding to the need to tackle the challenges of social inclusion of Roma communities. The strategy is focused on three target groups — the Roma as a national minority, Roma communities and marginalized Roma communities (hereinafter the "MRC"). Within the MRCs, it is also possible to identify multiple discrimination, affecting not only women and girls, but also persons with disabilities.

2. Concrete measures and activities to promote social inclusion and rights of persons with disabilities among Roma citizens will be addressed in the draw-up of the action plan in the field of non-discrimination (e.g.: "A more effective implementation of anti-discrimination legislation by providing effective and targeted assistance to victims of discrimination based on Roma ethnic origin." and "Implementation of operational mechanisms for the solving and prevention of conflicts at local level relating to community issues in order to reduce tensions existing in mutual coexistence of Roma and non-Roma population and eliminate the feeling of resignation and insolubility of these conflicts").

Reply to the issues raised in paragraph 2 of the list of issues

3. There has been a considerable change, compared to the past, as for the development and implementation of legislation and policies aimed to implement the UN Convention on the Rights of Persons with Disabilities (hereinafter "the Convention") and as for making decisions on issues relating to persons with disabilities. The mechanism of cooperation between public authorities and representative organizations of persons with disabilities is being applied more widely.

4. According to Article 4 (3) of the Convention, representative organizations of persons with disabilities are involved in the development of policies, strategies and legislation, for example through the Legislation Portal accessible to persons with disabilities; participation in the case proceedings; as well as through the Committee for Persons with Disabilities[2] (the Slovak government advisory body for human rights, national minorities and gender equality). The Committee for Persons with Disabilities also prepares opinions and resolutions on draft laws, generally binding legal regulations and internal legislation as well as governmental, departmental and other non-legislative measures, that may have an impact on the protection or observance of the rights of persons with disabilities.

5. An example of good practice is the participation of representative organisations of persons with disabilities in the creation of the National Programme for the Development of Living Conditions of Persons with Disabilities for the Years 2014-2020[3] (hereinafter the "NPDLCPD"), the Act on the Commissioner for Children and on the Commissioner for Persons with Disabilities[4] (established under Art. 33 (2) of the Convention), which involved

[1] Resolution of the Slovak government No. 1 from 11 January 2012.

[2] Statute of the Committee for Persons with Disabilities http://www.employment.gov.sk/files/slovensky/ministerstvo/poradne-organy/ludske-prava-narodnostne-mensiny-rodovu-rovnost-sr/vybor-osoby-so-zdravotnym-postihnutim/statut-vyboru-pre-osoby-so-zdravotnym-postihnutim.pdf.

[3] Resolution of the Slovak government No. 25 from 15 January 2014.

[4] Act No. 176/2015 Coll. on the Commissioner for Children and on the Commissioner for Persons with Disabilities.

the participation of representative organisations of persons with disabilities before the start of the legislative procedure.

B. Special rights

Equality and non-discrimination (Art. 5)

Reply to the issues raised in paragraph 3 of the list of issues

6. Provisions concerning elimination of every kind of discrimination in employment are also provided for in the Labour Code[5] and comprehensively addressed in the Act on Equal Treatment in Certain Areas and Protection against Discrimination (hereinafter the "Anti-Discrimination Act").[6] The Anti-Discrimination Act[6] has subsidiary effect in relation to the Labour Code[5], i.e. in cases where the specific legislation concerning equal treatment in the Labour Code[5] is missing, Anti-Discrimination Act[6] should be fully applied. Under Article 8 of the Basic Principles of the Labour Code[5], the employer must provide for employees with disabilities working conditions that enable them to apply and develop their skills in work with regard to their health status. Employees with disabilities have special protection under the Labour Code[5] (Art. 66, (158-159)). For example, the employer may give an employee with disability a notice of termination only with the prior consent of the competent Office of Labour, Social Affairs and Family (hereinafter the "Office"), otherwise the notice is invalid. This consent is not required if the notice is handed to an employee who has reached the age defined for the entitlement to a retirement pension, or for reasons stated in Art. 63 (1) (a), i.e. if the employer or its part is to be dissolved or moved and the employee does not agree with the change of the agreed workplace, and (e) i.e. in case of misconduct.

7. According to Art. 3 of the Anti-Discrimination Act[6], everybody is obliged to observe the principle of equal treatment in employment and similar legal relations and apply this principle only in connection with the rights of persons established by special acts.

Reply to the issues raised in paragraph 4 of the list of issues

8. The Ministry of Labour, Social Affairs and Family of the Slovak republic (hereinafter "MoLSAF") responsible for inter-ministerial coordination of gender equality and equal opportunity agenda has prepared and submitted to the government a draft of the National Strategy for Gender Equality and the Gender Equality Action Plan for the Years 2014-2019. Both documents were approved by the Slovak government in 2014.[7] The materials created the basic framework for the implementation of temporary special measures in practice. Gender Equality Action Plan for the Years 2014-2019 also includes tasks such as: "To strengthen the gender perspective in public policies in the field of employment and social inclusion" (task No. 6), "To pay special attention to disadvantaged groups of women in implementing active measures in the labour market and social policy" (task No. 13) as well as the task "To make use of temporary special measures under the Anti-Discrimination Act in the implementation of labour and social policy measures" (task No. 15).

[5] Act No. 311/2001 Coll. Labour Code, as amended.

[6] Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection Against Discrimination and on amendments to certain acts.

[7] Resolution of the Slovak Government No. 574 from 20 November 2014.

9. In 2013, on the initiative of the Committee for Children and Young People and the Committee for Persons with Disabilities, the MoLSAF has undertaken, in cooperation with the Ministry of Justice of the Slovak republic (hereinafter "MoJ") and the Ministry of Foreign and European Affairs of the Slovak republic, to prepare a draft solution to the institutional provision of the public protection of children's rights and the public protection of rights of persons with disabilities. For this purpose, a work group has been established, composed of representatives of the above mentioned ministries as well as representative organizations of persons with disabilities and representative organizations for children. Members of the work group proposed to address the protection of specifically guaranteed human rights (rights beyond the basic human rights) by means of a separate, independent institution with the designation of specific individuals ensuring the protection of rights guaranteed by special arrangements for groups of population requiring special attention. In the draw-up of the draft Act on the Commissioner for Children and the Commissioner for Persons with Disabilities[4], the work group adhered to the Paris Principles so that status of Commissioners would be independent.

10. The Act on the Commissioner for Children and the Commissioner for Persons with Disabilities was approved by the resolution of the Slovak government[8] and entered into force on 1 September 2015.

Reply to the issues raised in paragraph 5 of the list of issues

11. Due to the implementation of the so-called Racial Equality Directive, temporary special measures have been also introduced into the Anti-Discrimination Act[6] in order to eliminate the disadvantages linked to racial or ethnic origin. On the initiative of the Slovak Minister of Justice to review the compliance of the Anti-Discrimination Act[6] with the Constitution of the Slovak Republic[9], the Constitutional Court ruled on incorrect and incomplete definition of special measures and, at the same time, on the unconstitutionality of that provision. The wording of the Anti-Discrimination Act[6] of 2004 only provided a minimal legal protection against violation of the principle of equal treatment, while some provisions contained in EU directives were incorrectly or incompletely implemented.

12. The European Commission (hereinafter the "Commission") has consecutively, in three formal notices on the infringement of Art. 226 of the EC Treaty, notified the Slovak Republic about the incorrect or incomplete transposition of the Race Equality and the Framework Directive. The Commission's observations consisted mainly in the fact that there had been vague terms in the Anti-Discrimination Act[6] or, more precisely, terms not contained in directives or constricting the applicability of the principle of equal treatment.

13. Pursuant to the amended Art. 8 (a) of the Anti-Discrimination Act[6], public authorities or other legal persons may adopt temporary special measures aimed to eliminate the disadvantages arising from the grounds of racial or ethnic origin, national minority or ethnic group origin, gender or sex, age or disability, that aim to ensure equal opportunities in practice. Temporary special measures can be adopted in the field of access to employment, education, healthcare and housing, as well as in the provision of goods and services.

14. The Slovak National Centre for Human Rights (hereinafter the "SNCHR"), set up by special law[10], plays a special role in preventing and eliminating discrimination. According to this law, the SNCHR annually prepares and publishes a report on observance of human rights, including the principles of equal treatment in the Slovak Republic. The centre is a

[8] Resolution of the Slovak government No. 1839 from 25 June 2015.

[9] Act No. 460/1992 Coll. Constitution of the Slovak Republic.

[10] Act No. 308/1993 Coll. on Establishing the Slovak National Centre for Human Rights, as amended.

full member of Equinet and fulfils the role of the "equality body" within the meaning of European anti-discrimination directives. It monitors and evaluates compliance with the principle of equal treatment, provides free legal assistance to victims of discrimination, provides expert opinions and conducts independent inquiries.

Women with disabilities (Art. 6)

Reply to the issues raised in paragraph 6 of the list of issues

15. Gender inequality of women and girls with disabilities is not present in Slovakia.

Children with disabilities (Art. 7)

Reply to the issues raised in paragraph 7 of the list of issues

16. Children with disabilities, that have been ordered to be in institutional care, are not placed in social service homes or other social service facilities in Slovakia since 2008. 66 state and 25 non-state orphanages were registered in Slovakia by 31 December 2014.

17. 66 separate specialized groups for children with disabilities and 13 separate specialized groups for children with mental disorders are established in orphanages. 427 children (including 184 girls) have been placed in separate specialized groups for children with disabilities and 94 children (including 30 girls) have been placed in separate specialized groups for children with mental disorders. 84 children (including 32 girls) with disabilities and 32 children (including 15 girls) with mental disorders have been placed in professional families. The provided statistical figures are based on the "MoLSAF Annual statement V05 on providing care and education to children in orphanages and children's homes for unaccompanied minors for the year 2014". All children under 6 years of age who are placed in orphanages must be placed in professional families. An exception may only be granted for siblings and for the reasons of the child's health requiring specialized care. In this case, as well as if the child is to be placed in a specialized group for children with mental disorder or if the child's health requires care being provided exclusively in residential form, such a decision must be confirmed by competent medical assessor (outside the facility).

Accessibility (Art. 9)

Reply to the issues raised in paragraph 8 of the list of issues

18. According to the new draft of the Building Act, accessibility of buildings should be provided for by the following requirements:

- Preparing draft implementing regulations addressing the issues of persons with disabilities with a focus on the barrier-free land use and specific technical requirements for the barrier-free use of new buildings and their changes.
- The zone territorial plan will include urban concept of the zone development, regulations of a more detailed functional land use and spatial arrangement of individual parts of the zone territory, especially in terms of creating conditions for the barrier-free use of public spaces.
- The development plan will include the creation of a barrier-free route system and a barrier-free access and use of public spaces.

- In cases of new constructions or renewals of existing buildings, the developer will be required to ensure access for the disabled and the barrier-free use of the building in accordance with the principles of universal design.
- The access to buildings should be designed not only from the motor vehicle routes but also from pavements.
- The range of buildings required to meet the requirements for the barrier-free use and access for the disabled will be modified.
- The building authority will have the right to reject an application for a building permit if the building does not meet the requirements for the barrier-free use if the building is intended for use by persons with disabilities or to be attended by public.
- During the final building inspection, the administrative body will check whether the building meets the requirements for the barrier-free use if the building is intended for use by persons with disabilities or to be attended by public.
- The state building supervision will check whether general technical requirements for construction, including requirements for the barrier-free use are observed in the construction process.
- Holders of the certificate of natural person with severe disability (hereinafter "persons with severe disability") and the certificate of natural person with a severe disability with guide will be exempt from the fee for the building permit for changes in residential buildings.
- Holders of the certificate of natural person with severe disability and the certificate of natural person with a severe disability with guide will be exempt, in specified cases, from the fee for issuing the certificate of occupancy for changes in residential buildings.

Reply to the issues raised in paragraph 9 of the list of issues

19. In 2015, an interdepartmental work group was created within MoLSAF, whose main task is to address interpretation through lifelong learning and higher education. The members of this work group are representatives of the Ministry of Education, Science, Research and Sports of the Slovak republic (hereinafter "MoESRS"), the Committee for Persons with Disabilities, as well as a representative of the Comenius University in Bratislava, State Pedagogical Institute and experts in the use of sign language. Two working meetings have been already held in this context.

20. For the purposes of the Act on Cash Benefits for the Compensation of severe disability (hereinafter the "Act on Cash Benefits for Compensation")[11], the personal assistant can perform several forms of interpretation if he/she demonstrates relevant professional competence to the competent authority. Interpretation for the purposes of this act is interpretation in sign language, articulation interpreting for people with hearing impairments and tactile interpreting for deaf-blind persons.

21. According to the Act on Social Services[12], interpretation services are provided to persons in need of interpretation if they are deaf, have a severe hardness of hearing or if they are deaf-blind. Sign language interpreting, articulation interpreting or tactile

[11] Act No. 447/2008 Coll. on Cash Benefits to Compensate Severe Disability and on amendments to certain laws, as amended.

[12] Act No. 448//2008 Coll. on Social Services and amending Act No. 455/1991 Coll. on Trades (Trade Act), as amended.

interpreting is provided by interpretation services. According to Art. 84 (10), the interpretation service is performed by a sign language interpreter, articulation interpreter, interpreter for deaf-blind persons.

Reply to the issues raised in paragraph 10 of the list of issues

22. The issue of access of persons with disabilities (in Slovakia, it is understood more broadly — generally, it concerns persons with limited mobility and orientation, extending the facilitating measures to the elderly, young children, mothers with prams, etc.) is addressed in generally binding legislation affecting the regulation of transport, transport infrastructure and public transport financing (performance of public service). Specific area consists of new legislative measures adopted at EU level (Charter on the Rights of Passengers Travelling by Air, Rail, Bus, Coach and Maritime Transport) and related EU technical regulations that fully address the requirements of multiple areas in one document (e.g. Technical specifications for interoperability, Persons with Reduced Mobility, hereinafter "TSI PRM").

Technical measures in infrastructure

23. Removing barriers, reducing risks to passengers, disseminating information channels and improving the accessibility of ancillary services related to transportation have been long-time priorities in the modernization of transport infrastructure in Slovakia. In practice, it means that the following measures are taken in the modernization and construction of new infrastructure:

- Barrier-free grade-separated access to platforms and service buildings of railway stations (ramps, elevators, stair lifts, expansion and automation of access doors, improvement of access roads for disabled passengers), public transport stops, airport terminals and check-in areas prior to boarding aircrafts, water transport terminals and check-in areas prior to boarding ships.
- Marking of access routes for disabled passengers in service buildings of railway stations and on platforms.
- Measures of voice and visual information systems for persons with visual disabilities (guide bars on the access roads and platforms, marking of the controls in Braille, illumination of spaces).
- Access for disabled passengers to sanitary facilities, access for disabled passengers to the business and service departments, measures for persons with visual disabilities (guide bars on the access roads and platforms, illumination of spaces).

Equality before the law (Art. 12)

Reply to the issues raised in paragraph 11 of the list of issues

24. Despite the wording of Art. 10 (1) of the Civil Code[13], from 1 July 2016 it will be not possible to completely deprive an individual of legal capacity because the court will not have a procedural provision to do so. Proceedings on legal capacity are governed by Articles 231 to 251 of the Civil Rules for Procedures out of Dispute.[14] Under the new procedural rules the court may only decide to:

[13] Act No. 40/1964 Coll. Civil Code, as amended.
[14] Act No. 161/2015 Coll. Civil Rules for Procedures out of Dispute.

- Restrict the legal capacity status of a person.
- Change the restriction of the legal capacity status of a person.
- Restore the legal capacity status of a person.

Reply to the issues raised in paragraph 12 of the list of issues

25. As for the proceedings on legal capacity, the recodification of procedural law (effective from 1 July 2016) will bring the empowerment of the person, whose legal capacity status is subject to proceedings:

- The person whose legal capacity status is being decided has full procedural capacity during the court proceedings, despite the fact that it has been restricted by an earlier decision.
- A legal representative or procedural guardian acts to protect the rights of the person and if their procedural acts are in conflict the court shall consider which act is in interest of the person.
- The decision on the issue will be delivered by the court not only to the legal representative or procedural guardian but also to the person whose legal capacity status is being decided. The court will deliver all documents concerning the proceedings to the person if he/she requests for it. When deciding on legal capacity status, the court will always hear the person whose legal capacity status is being decided. However, if such an "interview" would be harmful in terms of the person's health, the court will look at the person. The institute of looking is used to enable the court to actually get to know the person whose legal capacity status is being decided. Moreover, if the person insists to be heard by the court, the court is obliged to do so.
- The person whose legal capacity status is being decided may request to allow his/her fiduciary, who is not his/her representative, to participate in proceedings.
- The proceedings on the restriction of legal capacity are associated with the proceedings on the appointment of a legal guardian.
- If the court decides on the restriction of the legal capacity, the extent to which the person's legal capacity has been restricted will be defined in the judgement and the person's legal guardian will be appointed.

Access to justice (Art. 13)

Reply to the issues raised in paragraph 13 of the list of issues

26. The general constitutional principle of equality of the parties, under which the parties have equal status in the implementation of procedural rules before the court (Art. 4 of Civil Rules for Procedures out of Dispute[14]). The law equalizes the factual inequality of participants before court by support measures, e.g. by appointing a procedural guardian, instructing on procedural rights and obligations, fiduciary's participation in the proceedings. Equality of the parties is generally based on the principle that the status as a party shall not depend on gender, religion, race, nationality or social origin. The entire Civil Rules for Procedures out of Dispute[14] takes into account the rights arising from the Convention on the Rights of the Child (especially Art. 12), the related General Comments on the Convention on the Rights of the Child (especially Art. 10, 12 and 14) and the Convention on the Rights of Persons with Disabilities (especially Art. 13).

27. Currently, a project called "Electronic Collection of Laws (Slov-Lex)", which is supported by the European Union, is being carried out by the Ministry of Justice. Its aim is

the introduction and subsequent functional implementation of the SLOVLEX information system. The information system is currently in the testing phase and includes, in addition to eLegislation (eLegislatíva), the area of electronic consolidated legal regulations and other standards. Slovlex is built on the existing standards of public governance information systems. The new system is accessible to all users, including persons with disabilities. Informative texts of legal regulations are already available (also for unregistered users) at www.slov-lex.sk

28. Starting form 1 January 2016, new legal regulations published in the Collection of Laws will be published in paper as well as in electronic form. The legislative procedure should take place on the Slov-Lex website in the eLegislation section and it should be available to all citizens from 1 April 2016.

Reply to the issues raised in paragraph 14 of the list of issues

29. The Judiciary Guards and Prison Wardens Corps treat (hereinafter "JGPWC") persons held in custody and persons in custodial sentence (hereinafter the "clients") within general binding regulations (the approach to clients is uniform, always within legal limits, but the particulars of individual clients are taken into account).

30. Upon entering the custody or custodial sentence, the clients undergo an initial medical examination, based on which the physician determines restrictions (medical classification) arising from the client's health. Clients with severe disabilities are taken care of by specially trained JGPWC staff (physicians, nurses and other health workers) with relevant speciality. Staff members admitted to the preparatory civil service are instructed during the basic and specialized training on the Code of Ethics of JGPWC staff, which also addresses the prevention of any form of discrimination.

31. During the criminal proceedings a person deprived of legal capacity or with restricted legal capacity is represented by a legal representative or a legal guardian appointed by the court from the beginning of the criminal proceedings. Following the charge, such person must have a defence counsel already in pre-trial proceedings (Art. 31 (1) (b) of the Criminal Code[15]) for the correct application of his/her rights and ensuring a fair trial. If, for the purpose of criminal proceedings, it is necessary to investigate the mental state of the offender or if there are doubts about the offender's full sanity based on the results of evidence, it is required to involve an expert in the field of psychiatry, who will assess the mental state of the offender.

32. A court order is always required for the mental status examination. If the expert report states that it is not possible to make reliable diagnostic conclusions about the mental state of the offender without his/her observation in a medical institution, the court shall order to observe the offender in a medical institution or in a special department of a correctional institution. The expert is required, at the same time, to state whether the offender's stay at liberty is dangerous. One of the basic principles of the criminal procedure is that "the authorities acting in the criminal proceedings clarify the circumstances testifying against the offender with the same diligence as the circumstances testifying in his/her favour and carry out the evidence in both directions so as to allow the court to make righteous judgement."

Reply to the issues raised in paragraph 15 of the list of issues

33. The target groups of the Judicial Academy of the Slovak Republic (judges, prosecutors, court clerks, assistants of Supreme Court judges, assistants of prosecutors)

[15] Act No. 301/2005 Coll. Penal Code, as amended.

have been regularly informed on the preparation and approval of national action plans and conventions ratified by the Slovak Republic, especially through the official websites of the central state administration bodies, as well as through the free on-line legislation database JASPI. The Judicial Academy envisages that issues of the Convention will be in incorporated in the programs of certain educational activities during the curricula preparation in 2016.

34. Officers of the Police Force in question have been trained on the ratification of the Convention. The Ministry of the Interior of the Slovak republic (hereinafter "MoI") is to complete the implementation of the "National training program for the integrated rescue system in relation to the support of persons in need and the tasks in the field of state security system" in 2015. Within this project, the some activities are focused on communication with persons with disabilities receiving the help in distress and during emergency situations. Particular attention is paid to the way of communication between the person with disability and recipient of the emergency call on the emergency numbers as well as the way of guiding the caller to provide the most essential information on the event, its extent and consequences.

Liberty and security of the individual (Art. 14)

Reply to the issues raised in paragraph 16 of the list of issues

35. The Ministry of Health of the Slovak republic (hereinafter "MoH") is not planning to amend Article 6 (9) of the Act on Health Care[16] in the legislative program, given the fact that the provision in question address the provision of health care in case of threat to the patient or his/her environment and does not address the reasons for depriving a person of his/her personal freedom.

36. In accordance with Art. 73 of the Criminal Act[17] the court is authorized to impose protective treatment to a person with disability or a person suffering from a mental disorder, provided that the stay of this person at liberty constitutes a danger. The mere fact that a person suffers from a mental disorder is not a sufficient reason for deprivation of personal liberty; the decisive factor in this case is the existence of a threat of danger to society from the person with mental disorder. The assessment of danger arising from that person's freedom is based on the opinion of an expert psychiatrist resulting from an examination of the offender's mental state, which also includes consideration on possible future development of the mental disorder and the resulting danger to the community interests. The Criminal Act[17] fully respects the fundamental rights and freedoms of natural persons. The current wording of Art. 73 complies with the relevant Convention, with full respect and taking into account the rights of persons with disabilities, without the need for taking any further action on this matter.

Reply to the issues raised in paragraph 17 of the list of issues

37. In accordance with Art. 3 (2) and (3) of the Act on Custody[18] and in accordance with Art. 5 (3) of the Act on Custodial Sentence[19], custody and custodial sentence are made possible also for persons with severe disabilities under conditions satisfying the need of medical care provision within the necessary range, while ensuring at the same time the

[16] Act No. 576/2004 Coll. on Health Care, Health Care-related Services and on amend ıents to certain acts.

[17] Act No. 300/2005 Coll. Criminal Act, as amended.

[18] Act No. 221/2006 Coll. Act on Custody.

[19] Act No. 475/2005 Coll. on Custodial Sentence and on amendments to certain acts.

sufficient protection of the society. If the client's health requires medical care that cannot be provided in the facility or if it is necessary for the purposes of criminal proceedings, the custody is carried out for the necessary time in a hospital for accused and sentenced persons and in the Custodial sentence institute in Trenčín or other health facility, while guarding of the accused is performed by the JGPWC. Pursuant to Art. 84 of the Act on Custodial Sentence[19], the sentenced persons with disabilities or severe disability with long-term severe disease that significantly reduces their capacity to work (after prior assessment by a physician) are placed in the section of the sentenced persons with disabilities. According to Art. 95 (2) of the Act on Custodial Sentence[19], the JGPWC Directorate General decides on the placement of a sentenced person in the section of sentenced persons with disabilities (after assessment of the sentenced person's health). The section of sentenced persons with disabilities is established in accordance with Art. 95 of the Rules of Custodial Sentence[20] within JGPWC. An inpatient section of the healthcare facility is established in every detention facility for the case of need of intensive nursing care, where clients with disabilities are placed.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (Art. 15)

Reply to the issues raised in paragraph 18 of the list of issues

38. The basic legal framework for the prohibition of torture is provided by the Constitution of the Slovak Republic[9], according to which no one can be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

39. In accordance with Art. 3 (1) of the Act on Custodial Sentence[19], the human dignity of the sentenced person is respected and no cruel, inhuman or degrading treatment or punishment may be used.

40. Members of JGPWC staff may, in accordance with the Act on Judiciary Guards and Prison Wardens Corps[21], use coercive measures (Art. 31 to 45) whenever they perform civil service in terms of specific regulations and internal regulations (e.g. JGPWC objects, objects of courts and prosecutors' offices, workplaces, detention facility, place of escort activity, place of guard activity). Before using coercive measures, the member of JGPWC staff is obliged to invite the person against whom he/she intervenes to refrain from the unlawful action and to warn the person that some coercive measures may be used. The invitation and warning may be waived if he/she himself/herself is attacked or if other person's life or health is threatened and the matter is urgent or if other circumstances hinder it.

41. In accordance with Art. 45 of the Act on Judiciary Guards and Prison Wardens Corps[21], members of JGPWC staff may not use self-defence punches and kicks, tear gas devices, shock gas and electric weapons, baton, tonfa, police dog, punch with a firearm and firearm in a police action against a pregnant woman whose pregnancy is clearly visible, an elderly person, a person with a visible physical disability, illness or mental disorder, or a person aged under 15, except when the attack of those persons directly endangers the life or health of a member of JGPWC staff or other persons or if there is a threat of serious damage to property and the danger cannot be otherwise averted. The treatment of sentenced persons with disabilities is addressed in Art. 92 of the Rules of Custodial Sentence[20].

[20] Decree of the Slovak Ministry of Justice No. 368/2008 Coll., issuing the Rules of Custodial Sentence.
[21] Act No. 4/2001 Coll. on Judiciary Guards and Prison Wardens Corps.

42. The Slovak National Council approved on 25 June 2015 the amendment of the Criminal Act[22], which transposes the European Parliament and Council Directive 2012/13/EU of 22.5.2012 on the right to information in criminal proceedings in the Slovak legislation. The subject of this Directive is also a guarantee of the procedural rights of accused persons to information in criminal proceedings.

43. Pursuant to the applicable legislation, the ways of interfering with the personal freedom of persons in criminal proceedings is fully in line with the Convention. The applicable legislation provides adequate protection to restricted and detained persons against unlawful treatment by criminal proceedings authorities and guarantees full application of the persons' rights, regardless of their race, sex, age, national or ethnic minority origin or health conditions. Detained persons may exercise their rights themselves or through a defence counsel.

44. Protection of persons with disabilities against torture or cruel, inhuman or degrading treatment or punishment (Art. 15 of the Convention) is also ensured through the adoption of the measure of the MoI.[23]

45. In accordance with Art. 10 of the Act on Social Services[12], it is not allowed to use measures of non-physical and physical restraint of the social service recipient during the provision of social services in facilities. If the life or health of the social service recipient or other natural persons is directly threatened, measures of restraint of the social service recipient may be used, however, only for the time necessary to eliminate the direct threat. The social service provider is obliged to make a record of any restrain and to inform MoLSAF on the restrain without delay. The social service provider is also obliged to inform on the measures of restraint being used on the legal representative of the social service recipient or on the legal guardian appointed by court.

Freedom from exploitation, violence and abuse (Art. 16)

Reply to the issues raised in paragraph 19 of the list of issues

46. Basic document of the Slovak Government is the National action plan for the prevention and elimination of violence against women for 2014-2019. One of the tasks of the National action plan is to prepare and submit to the legislative process the Act on Domestic Violence (based on the Istanbul Convention) taking into account the gender perspective and the specifics of violence against women (task No. 1). An expert group cooperates on the preparation of the Act.

47. Slovak Republic continues to implement national programmes within the operating programme Employment and social inclusion. Prevention and elimination of violence against women (PEVW1) and Promotion of prevention and elimination of violence against women (PEVW2). Within the frame of the projects was prepared a systemic solution of institutionalized support for the victims of violence against women and domestic violence with the aim to improve the provision of assistance to women and children suffering from violence, as well as to ensure regional availability of supportive social services.

[22] Act No. 174/2015 Coll., which amends the Criminal Act.

[23] Measure of the Slovak Ministry of the Interior No. 17/2015 on the fulfilment of tasks and actions of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

48. Integrated system of crisis intervention developed and piloted within the project will consist of the following network of institutions:

- National non-stop free phone line 0800 212 212 — telephone counselling to victims of domestic violence (if necessary it is possible to contact the counselling centre and send a woman into a particular care).
- Network of specific social services — counselling centres offering all relevant counselling services for women and their children (a total of 20 counselling centres should be supported and created).
- Network of women's safe houses — providing complex specialized help to women suffering from violence and to their children in a residential form until the resolution of problems of the woman (there will be approximately 110 family places, 1 family place = mother + 2 children).

49. National strategy for protecting children from violence[24] is implemented in collaboration with several government departments, in cooperation with NGOs and local governments. The individual strategic objectives and tasks are directed towards more effective child protection system in Slovakia (including children with disabilities) from all forms of violence.

50. Act on social and legal protection of children and social guardianship[25] (Section 1, paragraph 2, letter a)) refers to the Convention on the rights of the child, and states that it is necessary in the protection of the child to ensure its well-being while respecting the child's best interests.

51. The amendment to the Act on Social and legal protection of children and social guardianship effective from January 1, 2016 incorporates into the Act the principle of best interest of the child. The Act[25] will be applied with the same principle of the interest of the child as in the Act on Family. This new provision offers non-hierarchical criteria for assessing and determining the best interest of the child. The Act[25] in the provision of Section 7 par. 3 prohibits in the implementation of measures all forms of corporal punishment on the child, other forms of punishment and rough or degrading treatment of the child. In the event that an authority of the social and legal protection of children and social guardianship would discover that in a facility, which enforces a court's decision is the life, health or sound psychological, physical and social development of the child at risk, it shall take measures under the provisions of Section 27 par. 2 (change of custody of the child to the custody of other natural person or legal entity in the form of temporary measure of the court).

52. In accordance with the provision of Section 40 of the Act on cash benefits for compensation[11] a natural person, who takes care of a natural person with severe disability, may be provided with a cash benefit for nursing care. The aim of nursing care is to ensure daily assistance to a natural person with severe disability during self-servicing activities, home care and in performance of social activities. The Act[11] also establishes the competence of authorities to inspect the quality and scope of the assistance, for which is the cash benefit for the nursing care provided. In the event that a relevant authority discovers serious deficiencies related to the quality and scope of the assistance performed for the person with severe disability, the cash benefit for nursing will be confiscated and its payment will be stopped.

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[24] Slovak government resolution No. 24 of January 15, 2014 to the National strategy for protecting children from violence.

[25] Act No. 305/2005 Coll. on Social and legal protection of children and social guardianship and on amendment and supplementation of certain Acts.

Protecting the integrity of the person (Art. 17)

Reply to the issues raised in paragraph 20 of the list of issues

53. The Act on Health Care[16] states that "the attending health care personnel is obliged to provide information regarding the purpose, nature, consequences and risks of providing health care, about choices of the offered procedures and the risks of refusal of medical care." The health care worker is obliged to provide this information in a clear, considerate manner, without pressure and with the opportunity and sufficient time to make a free decision for informed consent, in manner appropriate for the intellectual and mental maturity and health of the person, which the health care worker instructs. Provision of health care is conditional on the informed consent of the patient. If despite the instructions and recommendations of a doctor the patient disagrees with the treatment, the patient has the right to refuse such instruction. A written report will be made, called "informed disagreement". Informed consent is a demonstrable consent with provision of health care and anyone has the right to freely withdraw it. In the case of outpatient treatment or institutional treatment ordered by a court, the court decision has precedence.

Reply to the issues raised in paragraph 21 of the list of issues

54. Act on Health Care[16] (Section 12 par. 2 letter c)) states that the provider does not have to conclude an agreement for the provision of health care with a patient, if "the health care provision is obstructed by personal convictions of the health care worker who should provide this health care." These are only situations occurring during abortion, sterilization and assisted reproduction. Provision of Section 6 of the Act on Health Care[16] regulates the provision of information and the informed consent of the patient. The obligation to inform applies to the person to whom the care is provided, or to other person that such person designated, or to a legal representative, guardian and person incapable of giving informed consent.

55. Sterilization can be performed only on the basis of a written informed consent after previous provision of information to the person, who has full legal capacity, or legal representative of the person incapable of giving informed consent or on the basis of a court decision at the request of a legal representative. Sterilization cannot be performed earlier than 30 days after the informed consent.

56. MH SR developed a generally binding legal regulation[26], which establishes details regarding the provision of information, samples of informed consent prior to the performance of sterilization of a person drafted in state language and in languages of minorities.

57. The term "forced sterilization" is not known by any valid legislation in the Slovak Republic. MH SR does not have any information connected to new initiatives in relation to the problem of sterilization of Roma women without their free and informed consent and also does not have information about occurrence of sterilization of women with disabilities.

Living independently and being included in the community (Art. 19)

Reply to the issues raised in paragraph 22 of the list of issues

58. MLSAF SR in 2011 developed a Strategy of de-institutionalization of social services and foster care system in the Slovak Republic.

[26] Decree of the Ministry of Health No. 56 of October 23, 2013.

59. The document National Priorities for Development of Social Services for 2015-2020 includes the process of transition from institutional to community-based care.

60. The pilot National project "Supporting the process of de-institutionalization and transformation of the social services system in Slovak Republic" was launched in 2013 and the planned completion is in November 2015. Education of the management of founders and providers, as well as employees of social service facilities has been completed. 10 facilities prepared transformation plans and will be able to apply for support in establishing assisted living facilities from the Integrated Regional Operational Programme (IROP) under the auspices of the Ministry of Agriculture and Rural Development of SR. Within the frame of finalization of the pilot National project the Implementing agency of the MLSAF prepares the final Evaluation report, which will describe in detail the achievements and assess the course of the process of de-institutionalization (hereinafter "DI") for individual facilities. An expert team is currently working on the preparation of a new National Project of DI of social services within the operational programme Human Resources.

61. National project "Support of nursing care" began implementation in 2014 with allocated budget of 28,000,000 Euro. Planned completion is in November 2015. The aim was to enable provision of nursing care to a higher number of persons dependent on assistance of others and to create conditions for expanding the provision of nursing care to regions.

62. The concept of ensuring the enforcement of court decisions in orphanages for the years 2012-2015 with a view to 2020 (hereinafter the "Concept") was based on a number of national and international documents, such as the Convention on the Rights of the Child, the Convention, UN Guidelines "Guidelines on foster care" and others. The concept includes the tasks to ensure optimal care for children requiring special care exclusively in residential form, children with mental illness, mental retardation, physical disability, multiple disability, children with behavioural problems, for which is necessary to provide care with lifestyle change elements.

63. Within the National project "Support of DI of foster care" was created a model of transformational plan (in collaboration with external experts, facility representatives) with a specific plan of facility and a goal (short term and long term) in the process of transition from institutional to community-based care. The aim of the transformational plan in practice is to increase the quality of life of children and improve the quality of work with the child's family, as well as intensifying cooperation with subjects, which participate on social and legal protection of children and social guardianship of the child.

64. The amendment of the Act on Family and the amendment of the Act on Social and Legal Protection of Children and Social Guardianship (from 2015) emphasize that the placement of the child into institutional care is the last possible solution of a family situation. Specific situations where the court may order institutional care of the child are exhaustively defined.

Freedom of expression and opinion, and access to information (Art. 21)

Reply to the issues raised in paragraph 23 of the list of issues

65. The Act on experts, interpreters and translators[27] specifies equal legal conditions for all interpreters for performing interpreting activities, as well as the extent of their rights and obligations. The Act does not favour any group of interpreters in this respect.

66. A decree of the Ministry of Justice of SR[28] contains specific provisions for tariff fee of these interpreters:

- Tariff fee of sign language interpreter for deaf people for interpreting in contact with these persons is 26.56 Euro for each commenced hour.
- Tariff fee of interpreter for deaf-blind people for interpreting in contact with these persons is 33.19 Euro for each commenced hour.
- Tariff fee of articulation interpreter for interpreting in contact with deaf persons who do not know sign language and do not hear spoken language is for each commenced hour 13.28 Euro.

67. The list of experts, interpreters, translators (section for registration of interpreters) recognizes three specializations related to the interpreting to disadvantaged persons: sign language (10), articulation interpreting (0) and interpreting for deaf-blind persons (0).

68. Under the Act on Social Services[12] non-public providers of social services employed 22 interpreters in 2014.

69. Radio and Television of Slovakia (public broadcaster) is obliged in the broadcasting of each program service to broadcast at least 3% of their programs translated into sign language for deaf persons or in sign language for deaf persons. In the recent period, the Council for Broadcasting and Retransmission has not pursued any action against this broadcaster in connection with violation of this obligation.

Respect for home and the family (Art. 23)

Reply to the issues raised in paragraph 24 of the list of issues

70. Under conditions established in Section 12 of the Act on Family[29] a mental disorder is among the grounds for annulment of marriage. The provision addresses the issue of eligibility for marriage in view of the psychological preconditions of engaged couples. We hold the opinion that it cannot be defined as "denial of the right to marry to certain persons with disabilities".

71. A marriage cannot be concluded by a person deprived of legal capacity. Declaration of the engaged couples to enter into marriage is essentially an act of will. These acts of will lead to legal consequences i.e. establishment of marriage and matrimonial rights and obligations. They are legal acts. For a legal act to be legally relevant, it must be made by a person, which possesses full legal capacity. Competence of a person to marry is determined primarily by his/hers ability to freely express the will to marry. For marriage to fulfil its

[27] The Act No. 382/2004 Coll. on experts, interpreters and translators and on amendment of certain Acts as amended.

[28] Ministry of Justice Decree No. 491/2004 Coll. on remuneration, reimbursement of expenses and compensation for loss of time for experts, interpreters and translators, as amended.

[29] Act No. 36/2005 on Family and on amendment and supplementation of certain Acts.

purpose, the persons must be mentally competent to bear the consequences that are associated with marriage.

72. A person with restricted legal capacity may enter into marriage only with the court's permission. Under Section 10 of the Civil Code[13] if a natural person due to a mental disorder that is not temporary, or due to excessive use of alcoholic beverages or narcotics or poisons is only able to perform certain legal acts, the court will restrict his/her legal capacity and the scope of the restriction will be determined in a decision. In the above-mentioned Act there is no exact (strict) criterion, on which should the court base the authorization of marriage. In the case of such person the court will generally assess the degree of psychical, mental and intellectual maturity as well as the fact, whether the person with restricted legal competence fulfils the conditions compatible with social purpose and functions of marriage.

73. Marriage cannot be concluded by a person suffering from a mental disorder, which would result in restriction of legal capacity. However, the court may permit the marriage to such person, if his/her health is compatible with the purpose of marriage.

74. If a person deprived of legal capacity or a person, who suffers from a mental disorder that would result in the deprivation of legal capacity, enters into marriage, the court will decide that the marriage is invalid even without a petition.

Education (Art. 24)

Reply to the issues raised in paragraph 25 of the list of issues

75. Education and the opportunity of equal access to education is a basic requirement to ensure social integration of people with disabilities. The institution of education and its barrier-free environment is one of the preconditions for independent advancement of persons with disabilities in their stages of life, from pre-school education to life-long learning.

76. A student with disabilities can exercise the right to education in SR pursuant to the School Act[30] in kindergartens, primary schools and secondary schools under this Act, namely:

- In classes or educational groups along with other children or students of the school; if necessary, such child or student shall be educated according to an individual educational programme.
- In special classes that are generally established for children with the same kind of health disability or for students with the same kind of health disability.
- In schools for children with health disabilities and students with health disabilities.

77. Under Section 144 par. 3 of the School Act[30] a child or student with health disabilities has the right to use special textbooks and special didactic and compensatory aids during upbringing and education; deaf children and students are guaranteed the right to education using sign language as their natural means of communication; blind children and students are guaranteed the right to education using Braille; children and students with impaired communication ability are guaranteed the right for upbringing and education through alternative means of communication.

[30] Act No. 245/2008 Coll. on Upbringing and Education (School Act) and on change and amendment of certain acts as amended.

78. Education of students with health disability is financed with increased cost limits according to the complexity of the State education programme. Expenses for students are also funded, such as:

- Transportation for students.
- Wages and salaries of teacher assistants for students with health disabilities.
- Costs of student accommodation for students of schools of local governments and non-state providers.

79. MESRS SR within the financial possibilities allocates targeted funds for financing development projects and subsidies as supportive measures for upbringing and education of students with health disabilities.

80. For students with health disabilities the right to study at university is guaranteed by the Act on Higher Education[31], under which everyone has the right to study a selected study program at university, if he/she fulfils the basic study admission requirements according to Section 56, other conditions specified by the university providing the selected study program according to Section 57, par. 1 (conditions specified in an agreement according to Section 54a, par. 2 and conditions according to Section 58a par. 4). The rights laid down by this Act are guaranteed equally to all applicants and students in accordance with the principle of equal treatment in education laid down in a special Act (Anti-discrimination Act[6]). Under this Act the universities create generally accessible academic environment also by creating appropriate study conditions for students with specific needs without lowering requirements for their academic performance. A student with specific needs, who agrees with an assessment of his/her specific needs, is according to the scope and type of the specific need entitled to the support services such as individual learning approaches, individual approach of university teachers, ensuring the possibility of utilizing specific educational facilities, and so on.

81. Details on the minimal rights of a student with specific needs for the support services according to the type of the specific need is regulated in a decree on minimal rights of a student with specific needs.[32]

82. On the basis of a methodology of allocation of subsidies from the state budget to public universities for 2015, within the frame of subsidies for specifics, was introduced a special allowance for students with a specific need with regard to the type of the specific need. Use of funds is earmarked to providing support services to students with specific needs.

83. The level of education achieved in school education is continued with further education, which is based on the Act on Lifelong Learning.[33] It is provided by school and non-school institutions for further education and it is aimed to supplement, renew, extend or deepen the skills acquired in school education and to acquire partial or full qualification or to satisfy the interests and gain eligibility to participate in the life of civil society.

84. With the aim to ensure better access to further education of adults, a database of all accredited educational programs leading to achievement, extension or deepening of

[31] Act No. 131/2002 Coll on Higher Education and on change and amendment of certain Acts as amended.

[32] Decree of the Ministry of Education, Science, Research and Sport of SR No. 458/2012 Coll. on minimal rights of a student with specific needs.

[33] Act No. 568/2009 Coll. on Lifelong Learning and on amending and supplementing certain Acts as amended.

qualifications is regularly published on the web site of the Information system of further education.

85. In the provision of Section 47 par. 3 of the Act on social and legal protection of children and social guardianship[25] is specified that the facility, in which is the child placed will ensure the child the opportunity of education and job training. In the provision of Section 49 par. 6 the above-mentioned Act provides that if the health of the child requires it, the facility shall create such conditions as to ensure the fulfilment of compulsory education, as well as job training. The facility has the option to establish a school or to provide individual plan of education of the child. If necessary, the facility will ensure transportation of children to schools or, in appropriate cases, children with disabilities will have an individual education plan created for them.

86. In the area of employee education, within the National project Support of DI of foster care, are implemented activities aimed at educators and professional staff engaged in the care of children with disabilities.

87. Under the Act on cash benefits for compensation[11] it is possible to provide a cash benefit for personal assistance (Section 22) to a natural person with severe disability who is dependent on personal assistance. The purpose of the personal assistance is not only to activate and support social inclusion of the natural person with severe disability but also, for example, to perform educational activities. The extent of hours of personal assistance includes the hours of personal assistance, during which the natural person with severe disability attends university.

88. According to the Act on social services[12] in the social care homes (Section 38) and in specialized facilities (Section 39) providing weekly residential or ambulatory (daily) social service, which contain minor natural persons in need of assistance of another person, are among other things, developed conditions for education.

Reply to the issues raised in paragraph 26 of the list of issues

89. MESRS SR implements measures aimed at education of children from socially disadvantaged backgrounds, which are processed in the revised action plan for the Decade of Roma Inclusion 2005-2015 for the years 2011-2015.[34]The source material for the implementation of the Convention in the field of education, with the aim to ensure the creation of conditions for inclusive education focusing on pupils and students with disabilities / handicaps (Art. 24 of the Convention) is the approved NPDLCPD with a timetable for the implementation of specific measures and with designating responsibility for its implementation. MESRS SR fulfils the objectives resulting from individual measures of the above mentioned document in cooperation with its organizations established for the fulfilment of tasks in the field of education in the regional education system — the National institute for education and the Research institute of child psychology and pathopsychology, district offices in regions through the departments of education — sections of state administration in the education system.

90. For the Slovak Republic, which became a member of the European agency for special and inclusive education[35] is important the participation, along with other 27 member states, in the exchange of information on current legislation and support mechanisms that improve the quality of conditions created in mainstream schools for the education of pupils

[34] Slovak Government Resolution No. 522/2011 of August 10, 2011 for the revised national action plan of the Decade of Roma Inclusion 2005-2015 for the years 2011-2015.

[35] Slovak Government Resolution No. 682/2011 of January 1, 2012.

with special educational needs resulting from their health and other reasons, as well as their application in practice.

Health (Art. 25)

Reply to the issues raised in paragraph 27 of the list of issues

91. Pursuant to Section 11 par. 1 and 2 of the Act on Health Care[16] everyone has the right to provision of health care, and this right to provision of health care is guaranteed equally to everyone in accordance with the principle of equal treatment.

92. The Charter of Patients' Rights in Slovakia[36] in Article 7 states that "everyone has the right to the medical care as required by his state of health, including preventive health care and health promotion activities. Health services must be available and provided based on the principle of equality, without discrimination and according to financial, human and material resources in society."

93. In the facilities of social and legal protection of children and social guardianship are the children with disabilities provided with nursing and treatment. Facility that provides the child with nursing care records a nursing documentation, possesses basic material and technical equipment and must provide the nursing care to the child properly. A qualified person is responsible for the nursing care and the Act on social and legal protection of children and social guardianship provides requirements for the education in the relevant field, as well as practical knowledge and professional competence. Founder of the facility regularly audits the nursing performance, with the participation of qualified staff from the field of medicine and nursing.

94. Nursing care provided in facilities of child protection and social guardianship is paid from the state budget. A decree of MLSAF SR[37] establishes the financing of costs of the child in a professional family, related to the health, age and special needs of the child. This is regulated in particular in connection with the financing of the cost of medicines and medical supplies in case of long-term illness, as well as special aids needed for study preparation of the child, and so on.

95. A young adult with disabilities, who after the completion of provision of care in an orphanage cannot become independent due to his/her health, will be provided by the orphanage in collaboration with the municipality and with the body of social and legal protection of children and social guardianship an admission to a sheltered housing facility or other facility that provides services appropriate to his/her needs.

Reply to the issues raised in paragraph 28 of the list of issues

96. Minister of Health of SR asked the Prime Minister in a letter for a postponement of the deadline for the task "to submit to the Government meeting a National programme for women care, safe motherhood and reproductive health" until October 30, 2017. During the preceding period there was no professional consensus among the stakeholders in professional aspects of these issues, for example addressing the issues of hormonal contraception, artificial insemination, introduction of the abortion pill, limiting the conscientious objection of health care workers and health care facilities, implementation of eugenic practices, expansion of prenatal diagnostics in order to search for and terminate

[36] Slovak Government Resolution No. 326 of April 11, 2011.

[37] Decree of the Ministry of Labour, Social Affairs and Family No. 643/2008, which implements certain provisions of Act No. 305/2005 Coll. on social and legal protection of children and social guardianship, on amendments and supplementation of certain Acts, as amended.

pregnancy with a disabled fetus, but also in the associated allocation of funds to carry out the tasks of national health programmes. Prime Minister agreed with the postponement of the deadline for fulfilment of this task until October 30, 2017.

97. Under the Act on Social Services[12] the centres for early intervention help families to deal with adverse life situations, involve other relatives in child care and stimulate the child's abilities while respecting its individual needs. The Socia foundation currently operates three centres for early intervention services. The vision of the Socia foundation is to develop accessible network of centres for early intervention services in the Slovak Republic.

Labour and employment (Art. 27)

Reply to the issues raised in paragraph 29 of the list of issues

98. As of 31.12.2014 the SR established 6,791 sheltered workshops or sheltered workplaces (hereinafter referred to as "SWS/SWP"), in which worked 11,622 citizens with disabilities (hereinafter referred to as "CD"). It refers to citizens who are recognized as disabled under Sect. 71 of the Act on Social Insurance.[38]

99. Within the programs and projects of public health authorities of the SR, in 2014 the regional public health offices performed the task "Level of health protection in sheltered workplaces". State health supervision focused on compliance with the minimum safety and health requirements at the workplace[39] in relation to health restrictions of employees with disabilities and on compliance with the working conditions and working arrangements determined in the decision of the public health authority on putting the workplace into operation.

100. Employees of sheltered workshops and sheltered workplaces carried out activities without physical stress and direct exposure to risk factors of working environment, usually works of productive character (e.g. ceramics, production of souvenirs, gifts and promotional items, decorations, imitation jewellery, jewellery, fashion accessories, arranging, repacking, assembly of motor and gear parts, warehouse work, design work, printing services, digital printing, assembly work, bookbinding), work in the field of trade and services (e.g. massage services, hairdressing, sewing garments, electronic courses, sales) and administrative work (accounting, IT work).

101. According to the Statistical Office of the Slovak Republic (hereinafter referred to as "SO SR") based on the labour force survey in the first half of 2015, there were working on average 63.8 thousand people with disabilities, representing 2.7% of the total average number of people employed in the SR. Compared with the same period of 2014, their absolute number increased by 4.6 thousand people, while the annual growth rate in employment of such persons (by 7.8%) was faster than the overall average growth in employment in the SR (by 2.6%).

102. Slovak Employment Services Act[40] regulates in a separate eighth and ninth chapter the incentives and enforcement measures for employers:

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[38] Act No. 461/2003 Coll. on Social Insurance, and on Amendments and Supplementation to Certain Acts, as amended.

[39] Government Regulation of the SR No. 391/2006 Coll. on Minimum Workplace Safety and Health Requirements.

[40] Act No. 5/2004 Coll. on Employment Services, and on Amendments and Supplementation to Certain Acts, as amended.

Supporting employment of persons with disabilities (incentives for employers)

103. **Supporting employment of persons with disabilities (incentives for employers)** within the active labour market measures (hereinafter referred to as "ALMM") by providing non-repayable funds:

- **Contribution to the establishment of SWS/SWP**

104. The Office may provide a contribution to the establishment of SWS/SWP to employers who creates a job position within SWS/SWP for a job seeker (hereinafter referred to as "JS") who is a person with disabilities registered in the Register of Job Seekers for at least one month, if the employer requests the contribution in writing. The contribution is granted exclusively to cover part of the costs for creation of job position (not wages) for a disabled person in SWS/SWP, which are necessary to ensure the implementation of the employment and related to the establishment of this job position. There is no legal entitlement to the contribution; granting of the contribution is assessed by the Committee on Employment Issues of the Office, which, in form of a statement, recommends/does not recommend the subsidy. An employer who received a contribution is required to maintain the created job position (hereinafter referred to as "JP") in SWS/SWP for at least two years. In 2014, through this contribution were created 284 JP for persons with disabilities, while to total contribution amounted 12,640,458 €.

- **Contribution to keep persons with disabilities in employment**

105. The contribution is intended to offset the employer's costs related to employment of persons with disabilities and maintaining their job position. The Office may provide a contribution to maintain the employment of PWD to an employer who employs more than 25% of PWD of the average registered number of employees and who has no status of SWS/SWP, if he/she request the contribution in writing (i.e. it is intended for employers who employ PWD in the open labour market). The contribution is provided for PWD, if employment is arranged for at least half of the set weekly working time, and is provided to an employer for the payment of advances on premiums for mandatory health insurance, social insurance and compulsory contributions to superannuation paid by the employer on monthly basis from wages of an employee who is PWD. There is no legal entitlement to the contribution; granting of the contribution is assessed by the Committee on Employment Issues of the Office, which, in form of a statement, recommends/does not recommend the subsidy. In 2014, through this contribution were created 31 JP for persons with disabilities, while to total contribution amounted 169,643 €.

- **Contribution for PWD to the operation of business or self-employment (hereinafter referred to as "SE")**

106. This contribution is intended to cover part of the costs association with SE and may be granted by the Office to PWD who is registered in the Register of Job Seekers for at least three months, who will carry on a trade under the Trade Act or engage in agricultural production, including management of forest and water bodies under the Act on Private Business within SWP continuously for at least two years. The amount of contribution is based on the Act on Employment Services stating the multiple of the total price of labour and the average rate of registered unemployment in the district where the self-employment will be performed. There is no legal entitlement to the contribution. In 2014, through this contribution were supported 96 PWD by the amount of 431,095 €, which on average represents 4,490 €/1 PWD.

- **Contribution to the activities of a work assistant**

107. This contribution is provided by the Office to an employer who employs PWD or to a self-employed PWD (hereinafter referred to as "SE PWD"), if from the type of disability and the work performed by an employee or self-employed PWD arises need for a work

assistant. For the purposes of the Act on Employment Services, work assistant is an employee who provides assistance to an employee or employees who are PWD in the implementation of employment and personal needs during working hours or a natural person who provides assistance to SE PWD in the operation or implementation of SE and in the performance of personal needs during the operation or implementation of SE. Upon fulfilling the conditions stipulated by law, there is a legal entitlement to this contribution. In 2014, through this contribution were supported 770 JP in the total amount 3,220,721 €.

- **Contribution to cover the operating costs of SWS/SWP and transportation costs for employees**

108. This contribution is provided by the Office to legal or natural person who established SWS/SWP on a quarterly basis, if requested in writing by the end of the first calendar month of the quarter for which the contribution is sought. Within this ALMM are not created new JP, but supported the existing JP within SWS/SWP. The contribution is provided by the territorially competent authority on the basis of documents proving the costs incurred for the corresponding quarter, however, in the maximum of 25% of the amounts provided, within 60 days after the end of the calendar quarter for which the contribution is sought. Upon fulfilling the conditions stipulated by law, there is a legal entitlement to this contribution. In 2014, this contribution was used for maintenance of 9,728 JP. The Office provided in total 20,258,100 € for the support of the existing JP.

Obligations of the employer in the employment of PWD (enforcement measures)

109. According to the Act on Employment Services[40], the employer is obliged to provide the employed PWD with suitable conditions for performance of work:

- Conduct training and vocational training for PWD and to pay particular attention to upgrading their skills during employment.
- Keep records of PWD.
- Employ PWD if the employer employs at least 20 employees and if the Office in the Register of Jobseekers registers PWD representing 3.2% of the total number of employees (hereinafter referred to as "compulsory participation"). Exemption from compliance with this requirement applies only to members of the force departments (Police Force, Slovak Intelligence Service, National Security Office, Prison and Court Guards, Fire and Rescue Service, Mountain Rescue Service, customs officers and professional soldiers) and employer's employees who serve abroad (Act on Foreign Service[41]).

110. The employer can fulfil the compulsory participation requirement by:

- Direct employment of PWD
- Substitute fulfilment by assigning order suitable for employment of PWD or SE PWD
- Payments for non-compliance with the compulsory participation requirement or
- Mutual combination of the above

111. The employer has to demonstrate compliance with the compulsory participation requirement to the Office every year not later than 31.03., after the end of the relevant calendar year. In 2014, the obligation to compulsorily employ PWD was fulfilled by 5,819

[41] Act No. 151/2010 Coll. on Foreign Service, and on Amendments and Supplementation to Certain Acts.

employers, 1,289 employers used substitute fulfilment by assigning order, 776 employers paid contribution for non-compliance with the compulsory participation requirement. Only one employer used a combination of mutual fulfilments. The Office is also responsible for providing/not providing approval to the employer for termination of employment by notice with an employee who is PWD or civil servant who is PWD. The notice shall be invalid without the prior approval by the Office.

Adequate standard of living and social protection (Art. 28)

Reply to the issues raised in paragraph 30 of the list of issues

112. The National Council of the SR approved on 16 June 2015 an amendment to the Social Insurance Act[42], which introduced a new legal institute — the minimum pension.

113. The purpose of the minimum pension is the provision of retirement income at a level that individuals are not dependent on material need assistance (however, it does not serve to ensure basic living conditions).

114. Entitlement to a minimum pension may arise to recipients of retirement pension or disability pension after reaching retirement age and obtaining at least 30 years of pension insurance provided for in Sect. 82b par. 4 of Act on Social Insurance[38]. Under certain conditions minimum pension also applies to recipients of disability pensions.

115. The state provides social protection to people who find themselves in poor social situation without income due to unemployment, social nonconformity or ill health. The system of social protection is ensured by the instruments of assistance in material need (Act on Assistance in Material Need[43]). Within the meaning of the Slovak Constitution, everyone who is in material need is entitled to such assistance as is necessary to ensure basic living conditions. For the purposes of the mentioned act, basic living conditions are one hot meal a day, necessary clothing and shelter. The current system of assistance in material need is designed on the principle of constitutional guarantees to ensure basic living conditions to everyone who is in a state of material need, including people with disabilities. Any person is entitled for assistance in material need whose income is below the subsistence minimum specified by the state (Act on Subsistence Minimum[44]) and can not increase the income by his/her own initiative. The requirement to increase income by working is waived in the case of persons who are disabled due to a decrease of earning capacity by more than 70%. The possibility to provide or increase own income by working is also not examined in the case of a natural person who is personally engaged in daily care for a person with severe disability, reliant on care under the Act on Cash Benefits for Compensation[11]. When assessing material need, provision of basic living conditions and assistance in material need, an income of invalidity pensioners is considered only 75% of the amount of invalidity pension, i.e. 25% of the invalidity pension shall not be considered an income. When assessing poverty within the meaning of Act on Subsistence Minimum[44], an income shall not include cash benefits for compensation of social consequences of severe disability, in addition to a financial allowance for nursing.

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[42] Act No. 140/2015 Coll., amending and supplementing the Act No. 461/2003 Coll. on Social Insurance, and on Amendments and Supplementation to Certain Acts, as amended.

[43] Act No. 417/2013 Coll. on Assistance in Material Need and on Amendments and Supplementation to Certain Acts.

[44] Act No. 601/2003 Coll. on Subsistence Minimum and on Amendments and Supplementation to Certain Acts.

116. Invalidity pensioners who are disabled due to a decrease of earning capacity by more than 70% and shall be eligible for social assistance benefits are also provided with protection allowance. Protection allowance is also granted to a person who is personally engaged in a proper daily care for a person with severe disability reliant on care.

Participation in political and public (Art. 29)

Reply to the issues raised in paragraph 31 of the list of issues

117. Legislation governing the issue of elections and referendums in Slovakia does not in any way restrict any person with disabilities to exercise their active right to vote or passive voting rights. Act concerning the Conditions of the Right to Vote[45] regulating all kinds of elections held in the Slovak Republic (electoral code), effective from 1 July 2015, Sect. 24. addresses the conditions for carrying out elections for persons with disabilities. There are particular adjustments for people with disabilities with respect to their possibility of voting in households, healthcare facilities or social services facilities using a portable ballot box. When voting at a polling station, a person with disabilities may be assisted by another voter.

118. The Act lays down the obligation for a mayor to take into account the easiest access for voters with disabilities when determining the place of polling station. The Ministry of Interior provides for the visually impaired people a special list of candidates or sound recordings of the list of candidates.

C. Special obligations

Statistics and data collection (Art. 31)

Reply to the issues raised in paragraph 32 of the list of issues

Coordination mechanism

119. In Slovakia, there is no plan of institutional coordination of research focused on issues of disabled people in the sense that there would be some coordination point to guide the research activities of individual scientific-research institutions for the purposes of coverage of set priorities for research and rational use of resources (organizational, financial, technical or other). On the other hand, there are at least two mechanisms by which is gradually increased awareness and thus the partial coherence of key scientific-research actors in this field:

- Mechanism of performance of commitments set out in NPDLCPWD, Sect. 4.17, is focused on statistics, data collection and research, focusing on selected indicators of socio-economic situation of persons with disabilities and their families; to ensure inclusive education of pupils and students with disabilities; focused on the availability of universally designed goods and services and assistive technologies; to promote employment of people with disabilities in the open labour market; to elaborate on issues of support of an independent living of persons with disabilities. Performance of commitments of responsible bodies in this area of NPDLCPWD is published by the main contact point for the implementation of the Convention on its

[45] Act No. 180/2014 Coll. concerning the Conditions of the Right to Vote and on Amendments and Supplementation to Certain Acts.

website, thereby promoting mutual awareness of the various research players and creating space for the use of available resources for the purpose of secondary analysis, setting development trends and synthesising the work.

- Involvement of the Slovak Republic in the European network ANED.[46] As part of the continuous activities of the network, there are regularly reviewed developments in disability policy in various areas of life of persons with disabilities (particularly in the field of social protection, employment and education).

120. In order to promote the mutual information networking of actors and operating resources, there are currently searched ways of effective interconnection of coordination activities of the main contact point in matters of statistics, data collection and research, and national sources of data and results of research activities accumulated within the network ANED.

Available data according to selected criteria

121. Data available for the purposes of research activities are usually divided by gender and age of persons with disabilities, the degree of disability, or region. In terms of type of disability, there are categorized only data collected in the sector of education, science, research and sport, data in the sector of health and data related to invalidity of PWD.

122. For the purposes of fulfilling the targets of the national program, with respect to Sect. 4.17 plays the key role the SO SR, further the Office of Labour, Social Affairs and Family, health insurance companies as well as departmental research institutions and university departments. Special status belongs to the Institute for Labour and Family Research[47], functioning in the scope of the MoLSAF SR. In addition to applied research focused on the issues of employment and social inclusion of persons with disabilities, it also serves as a coordinating point for a European network ANED.

123. Statistics and data collection in the field of child protection and social guardianship is done through annual reports of the MoLSAF SR. Data on children with disabilities, as well as children with mental disorders, are monitored for the relevant calendar year through "Annual statement V05 of the MoLSAF SR on providing care and education to children in an orphanage and children's home for unaccompanied minors". Statistical reports are published annually through the web site of the Office of Labour, Social Affairs and Family.

Implementation and monitoring at the national level (Art. 33)

Reply to the issues raised in paragraph 33 of the list of issues

124. Funding of roof NGOs arises from the NPDLCPWD (measure 4.11.3). To establish a systematic mechanism of financing the roof NGOs that act as partners of the government and other organizations in developing relevant policies are among the key tasks in 2016. Given the complexity of the task, there will be established a working group of representatives from other government departments as cooperating entities, a representative of the Office of the Plenipotentiary for Civil Society Development, as jointly responsible coordinator and representatives of organizations representing persons with disabilities (members of the Committee for persons with disabilities).

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[46] Academic Network of European Disability Experts; http://www.humanconsultancy.com/project?pid=7.

[47] Institute for Labour and Family Research www.ivpr.gov.sk.